

Gregory Zimmer, Esq.
360 Lexington Avenue, Suite 1502
New York, New York 10017
Tel: (914) 402-5683
GZimmer@GZimmerLegal.com
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. ROBERT D. HAAR, M.D., :
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 Plaintiff, :
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 :
 - against - :
 : No. 1:17-cv-05425 (LAK)
 :
 NATIONWIDE MUTUAL FIRE INSURANCE :
 CO., JOHN AND JANE DOE CORPS 1-10, and :
 JOHN AND JANE DOES 1-10, :
 :
 Defendants. :
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DECLARATION OF ROBERT D. HAAR, M.D.

Dr. Robert D. Haar, M.D. declares under penalty of perjury as follows:

1. I am a physician licensed to practice medicine in the State of New York, and the Plaintiff in this action. I make this declaration in opposition to the motion to dismiss (the “Motion”) the Complaint that I filed in the New York State Supreme Court, New York County (the “Supreme Court”), captioned *Dr. Robert D. Haar, M.D. v. Nationwide Mutual Fire Insurance Co., John and Jane Doe Corps 1-10, and John and Jane Does 1-10*, Index No. 155228/2017, on June 7, 2017 (the “Complaint”), which was removed to this Court by Defendant Nationwide Mutual Fire Insurance Co. (“Nationwide”) on July 18, 2017.

2. In the *Complaint*, I allege that Nationwide made certain false allegations about me and certain medical practices I am associated with in a report submitted by Nationwide to the New York Office of Professional Medical Conduct (the “OPMC Report”). I alleged the contents of the OPMC Report based on a notice of the claims made against me provided to me by OPMC {00044641 v.1}

(the “OPMC Notice”), and based on the proceedings in the investigation and hearing conducted by OPMC in response to the OPMC Report. I personally participated in that investigation and hearing, which, as alleged in the Complaint, was closed without any further action and without imposing any disciplinary findings.

3. My allegations concerning the OPMC Report were made “upon information and belief” not because I was not aware of the false allegations made against me by Nationwide in the OPMC Report at the time the Complaint was filed, but, rather, because I did not know with certainty that Nationwide was the entity that submitted the false OPMC Report. However, the Complaint sets forth in detail the basis of my information and belief that Nationwide had submitted the false OPMC Report. I am informed that Nationwide has acknowledged in connection with the Motion that, as I believed when the Complaint was filed, Nationwide did, in fact, submit the OPMC Report to OPMC.

4. It is my understanding that the Complaint fully satisfies the pleading standards applicable to allegations made “upon information and belief” in both the Supreme Court and this Court. However, if the Court believes that clarification as to which allegations with respect to the OPMC Report were made based on my knowledge of the false allegations contained in the OPMC report (based on the OPMC Notice and my participation in the OPMC investigation and hearing), and which allegations were made based on my belief (based on the facts alleged in the Complaint) that Nationwide had submitted the OPMC Report, I respectfully request permission to file an amended complaint to clarify those issues. I also respectfully request leave to file an amended complaint, if necessary, to address any other deficiencies the Court may feel are present in the Complaint, including based on differences between the pleading standards applicable in the State Court and pleading standards applicable in this Court, and I stand ready to submit such an amended pleading.

Wherefore, I respectfully that Nationwide's Motion to Dismiss be denied in its entirety, and that the Court grant me such other and further relief as justice requires.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge and investigation or, where noted, upon information and belief.

Executed September 25, 2017 at New York, New York.


Dr. Robert D. Haar, M.D. 

CERTIFICATE OF SERVICE

I hereby certify this 26th day of September, 2017, that I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification to the following attorneys of record, and is available for viewing and downloading:

DUANE MORRIS LLP

Andrew T. Hahn, Sr.

Ralph Carter

1540 Broadway

New York, New York 10036

Tel.: (212) 692-1000

athahn@duanemorris.com

rcarter@duanemorris.com

Attorneys for Defendant

Nationwide Mutual Fire Insurance Company

/s Gregory Zimmer

Gregory Zimmer, Esq.